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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE et al.,

Plaintiffs,

v.

WILBUR L. ROSS, JR., et al.,

Defendants.

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CASE NO. 5:20-cv-05799-LHK

**DECLARATION OF SADIK HUSENY
IN SUPPORT OF PLAINTIFFS' REPLY
BRIEF FOR MOTION FOR STAY AND
PRELIMINARY INJUNCTION**

Date: September 17, 2020
Time: 1:30 p.m.
Place: Courtroom 8, 4th Floor, San Jose
Judge: Hon. Lucy H. Koh

1 I, Sadik Huseny, declare as follows:

2 1. I am an active member of the State Bar of California, a member in good standing
3 of the Bar of this Court, a partner at Latham & Watkins LLP, and counsel for Plaintiffs in the
4 above-titled action. I make this declaration in support of Plaintiffs' Reply Brief for Motion for
5 Stay and Preliminary Injunction. I have personal, first-hand knowledge of the matters set forth
6 below and, if called as a witness, I could and would testify competently thereto.

7 2. Attached hereto as **Exhibit 16** is a true and correct copy of Congressional
8 Research Service Report R43520, Community Development Block Grants and Related
9 Programs: A Primer, dated April 30, 2014, available at
10 <https://crsreports.congress.gov/product/pdf/R/R43520>.

11 3. Attached hereto as **Exhibit 17** is a true and correct copy of screenshots taken on
12 September 14, 2020 from the website <https://www.censushardtocountmaps2020.us/>.

13 4. Attached hereto as **Exhibit 18** is a true and correct copy of 2020 Census Housing
14 Unit Enumeration Progress by State dated September 11, 2020, available at
15 [https://2020census.gov/content/dam/2020census/news/daily-nrfu-rates/nrfu-rates-report-09-](https://2020census.gov/content/dam/2020census/news/daily-nrfu-rates/nrfu-rates-report-09-11.pdf)
16 [11.pdf](https://2020census.gov/content/dam/2020census/news/daily-nrfu-rates/nrfu-rates-report-09-11.pdf).

17 5. Attached hereto as **Exhibit 19** is a true and correct copy of a post, dated July 6,
18 2020, from the Rose Institute, *Southern California Faces Loss of One Congressional District,*
19 *May narrowly hold on to second*, available at [https://roseinstitute.org/southern-california-faces-](https://roseinstitute.org/southern-california-faces-loss-of-one-congressional-district-may-narrowly-hold-on-to-second/)
20 [loss-of-one-congressional-district-may-narrowly-hold-on-to-second/](https://roseinstitute.org/southern-california-faces-loss-of-one-congressional-district-may-narrowly-hold-on-to-second/).

21 6. Attached hereto as **Exhibit 20** is a true and correct copy of a press release from
22 Election Data Services, *Montana Gains California's Seat With New 2019 Census Estimates; But*
23 *Alabama & Ohio to also lose by 2020*, dated December 30, 2019, available at
24 [https://www.electiondataservices.com/wp-](https://www.electiondataservices.com/wp-content/uploads/2019/12/NR_Appor19wTablesMaps.pdf)
25 [content/uploads/2019/12/NR_Appor19wTablesMaps.pdf](https://www.electiondataservices.com/wp-content/uploads/2019/12/NR_Appor19wTablesMaps.pdf).

26 7. Attached hereto as **Exhibit 21** is a true and correct copy of GAO-20-671R
27 regarding the 2020 Census, titled "Recent Decision to Compress Census Timeframes Poses
28 Additional Risks to an Accurate Count," available at

1 <https://www.gao.gov/assets/710/709015.pdf>, from the U.S. Government Accountability Office,
2 dated August 27, 2020.

3 8. Attached hereto as **Exhibit 22** is a true and correct copy of an internal Census
4 Bureau document, dated August 3, 2020, released in connection with Exhibit 26, and available at
5 <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Census%20Slide%20Deck%20Aug%203%202020.pdf>. A press release regarding the letter that also links to the
6 document is available at [https://oversight.house.gov/news/press-releases/oversight-committee-](https://oversight.house.gov/news/press-releases/oversight-committee-releases-new-internal-census-bureau-document-warning-of-risk)
7 [releases-new-internal-census-bureau-document-warning-of-risk](https://oversight.house.gov/news/press-releases/oversight-committee-releases-new-internal-census-bureau-document-warning-of-risk).
8

9 9. Attached hereto as **Exhibit 23** is a true and correct copy of the Declaration of
10 Albert E. Fontenot, Jr., filed on September 11, 2020 in *La Unión del Pueblo Entero, et al. v.*
11 *Donald J. Trump, et al.*, Case No. 8:19-cv-02710-PX-PAH-ELH (D. Md.).

12 10. Attached hereto as **Exhibit 23-B** is a true and correct copy of a redline prepared
13 by counsel, comparing the substantive numbered paragraphs from Exhibit 33 with the
14 substantive numbered paragraphs from Mr. Fontenot's declaration in this case, Dkt. 81-1.

15 11. Attached hereto as **Exhibit 24** is a true and correct copy of a New York Times
16 article by Katie Rogers and Peter Baker, *Trump Seeks to Stop Counting Unauthorized*
17 *Immigrants in Drawing House Districts*, dated July 23, 2020, available at
18 <https://www.nytimes.com/2020/07/21/us/politics/trump-immigrants-census-redistricting.html>.

19 12. Attached hereto as **Exhibit 25** is a true and correct copy of a letter from Speaker
20 Pelosi and Senator Schumer to Secretary of Commerce Ross and Census Bureau Director
21 Dillingham, dated September 4, 2020, available at
22 [https://www.democrats.senate.gov/imo/media/doc/Census%20letter%20-](https://www.democrats.senate.gov/imo/media/doc/Census%20letter%20-%20Speaker%20Leader%20Final.pdf)
23 [%20Speaker%20Leader%20Final.pdf](https://www.democrats.senate.gov/imo/media/doc/Census%20letter%20-%20Speaker%20Leader%20Final.pdf).

24 13. Attached hereto as **Exhibit 26** is a true and correct copy of a letter from Carolyn
25 B. Maloney, Chairwoman of the House Committee on Oversight and Reform to Speaker Pelosi,
26 Minority Leader McCarthy, Majority Leader McConnell, and Minority Leader Schumer, dated
27 September 2, 2020, available at
28 <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2020-09->

02.CBM%20to%20%20House%20and%20Senate%20Leadership%20re%20Census.pdf. A press release regarding the letter that also links to the letter is available at <https://oversight.house.gov/news/press-releases/oversight-committee-releases-new-internal-census-bureau-document-warning-of-risk>.

14. Attached hereto as **Exhibit 27** is a true and correct copy of a weather.com article by Ron Brackett and Jan Wesner Childs, *Hurricane Laura: Two C-130s Land in Port Arthur, Texas for “Last Chance” Evacuation; Louisiana Prepares for Storm Surge*, dated August 26, 2020, available at <https://weather.com/news/news/2020-08-26-hurricane-laura-texas-louisiana-evacuations-preparations>.

15. Attached hereto as **Exhibit 28** is a true and correct copy of a USA Today article by Wyatte Grantham-Philips and Joel Shannon, *About 560 wildfires burn in California as more than 100,000 people evacuate: Here’s what we know*, dated August 21, 2020, available at <https://www.usatoday.com/story/news/nation/2020/08/21/california-wildfires-how-many-burning-what-we-know/3406246001/>.

16. Attached hereto as **Exhibit 29** is a true and correct copy of Hansi Lo Wang, *‘We’re Running Out of Time’: Census Turns to Congress to Push Deadlines*, NPR, dated May 27, 2020, available at <https://www.npr.org/sections/coronavirus-live-updates/2020/05/27/863290458/we-re-running-out-of-time-census-turns-to-congress-to-push-deadlines/>.

17. Attached hereto as **Exhibit 30** is a true and correct copy of Hansi Lo Wang, *Trump Officials Ask to Delay Census Data for Voting Districts, House Seats*, NPR, April 13, 2020, available at <https://www.npr.org/2020/04/13/833546675/trump-officials-ask-to-delay-census-data-for-voting-districts-house-seats/>.

18. Attached hereto as **Exhibit 31** is a true and correct copy of testimony by J. Christopher Mihm, Managing Director of Strategic Issues at the U.S. Government Accountability Office, to the Committee on Oversight and Reform of the U.S. House of Representatives, dated September 10, 2020, available at <https://www.gao.gov/assets/710/709291.pdf>.

1 19. Attached hereto as **Exhibit 32** is a true and correct copy of 2020 Census Housing
2 Unit Enumeration Progress by State dated September 13, 2020, available at
3 [https://2020census.gov/content/dam/2020census/news/daily-nrfu-rates/nrfu-rates-report-09-](https://2020census.gov/content/dam/2020census/news/daily-nrfu-rates/nrfu-rates-report-09-13.pdf)
4 13.pdf.

5
6 I declare under penalty of perjury that the foregoing is true and correct.

7
8 Executed on: September 15, 2020

LATHAM & WATKINS LLP

9 By: /s/ Sadik Huseny
10 Sadik Huseny

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19 *Just Immigration; Harris County, Texas; King*
20 *County, Washington; City of San Jose,*
21 *California; Rodney Ellis; Adrian Garcia; and*
22 *the NAACP*